

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DOCKET NO.

Gregory M. Driscoll,

Plaintiff

v.

HSBC MORTGAGE SERVICES;
Household Mortgage Services Inc.;
Mortgage Electronic Services;
Its successors and assigns
Doonan, Graves & Longoria LLC

Defendant

05-40126 EDS

NOTICE OF REMOVAL OF MATTER TO
THE UNITED STATES DISTRICT COURT

NOW COMES the Defendants, HSBC Mortgage Services, "HSBC"; Household Mortgage Services Inc. (Household); Mortgage Electronic Services (MERS); and Doonan, Graves & Longoria LLC (DGL), by and through their attorneys Doonan, Graves & Longoria LLC, and pursuant to Chapter 28, Section 1441 (a) and (b) of the United States Code hereby removes the action pending in the Worcester County Superior Court as Civil Action WOC CV2005-01363, to the United States District Court, District of Massachusetts, Worcester Division.

FILING FEE PAID:

RECEIPT # 704622
AMOUNT \$ 250.00
BY DPTY CLK EH
DATE 8/3/05

GROUND FOR REMOVAL

1. This action is removable from the Worcester Superior Court to this Federal District Court since it is a civil action and diversity exists under Chapter 28 U.S.C. Section 1332.
2. The plaintiff in this action, Gregory M. Driscoll, is a resident of Massachusetts who resides at 87 Flagg Street, Worcester, Massachusetts 01602.
3. The Defendant, HSBC f/n/a Household, is a Delaware corporation with a principle place of business at 636 Grand Regency Blvd, Bandon, Florida 33510.
4. MERS is the nominee for HSBC, f/n/a/ Household Finance Corporation and, thus, not properly named as a party defendant in the action.
5. Likewise, the undersigned, Doonan, Graves & Longoria LLC, is the law firm who represents HSBC f/k/a Household in the foreclosure action and is not properly named as a defendant in the instant matter.
6. Moreover, the Plaintiff acknowledges that DGL is not a proper party in his related action filed in this Court on July 22, 2005, under Civil Docket Number 05-40120-FDS, wherein DGL is not named as a party.

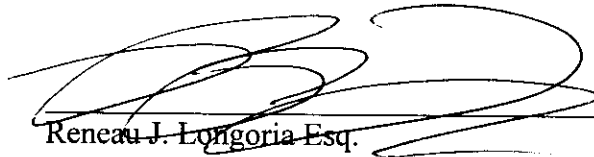
7. The amount in controversy meets the jurisdictional threshold as the unpaid balance of the mortgage being foreclosed was at least \$140,113.54 as of June 16, 2005.
8. Jurisdiction also exists pursuant to 28 U.S.C. Section 1331 as the the Plaintiff's state and federal *pro-se* Complaints cite various sections in the Federal Fair Debt Collection Act.

BACKGROUND

9. The Plaintiff is *pro se* and filed a "complaint" in the Worcester County Superior Court on July 21, 2005, in civil action number 05-1363C to stay the transfer of the subject property after a foreclosure sale.
10. A hearing on the Plaintiffs' state court motion was held on July 22, 2005, and on July 26, 2005, HSBC's Notice of Removal was "allowed" and the Notices to all parties mailed. *See* Exhibit 1.
11. On July 22, 2005, Mr. Driscoll filed a *pro-se* complaint and request for Temporary Restraining Order under Docket No. 05-40120-FDS.
12. The hearing on the Plaintiff's request for a preliminary injunction in Docket No. 05-40120-FDS is scheduled for August 3, 2005.
13. If removal of the state court action to this District Court is approved, the matters may be consolidated as the Plaintiff's handwritten pleadings appear to raise identical issues in both actions.

WHEREFORE the defendants hereby requests that this Court accept
jurisdiction over this matter.

Dated: 7/29/05



Reneau J. Longoria Esq.

BBO #635118

John A. Doonan, Esq.

BBO #547838

Doonan, Graves & Longoria

100 Cummings Center

Suite 213C

Beverly, MA 01915

978-921-2670

**Commonwealth of Massachusetts
County of Worcester
The Superior Court**

Civil Docket **WOCV2005-01363**

RE: Driscoll v HSBC Mortgage Services Inc et al

TO: John A Doonan, Esquire
Doonan Graves & Longoria LLC
100 Cummings Center
Suite 213C
Beverly, MA 01915

CLERK'S NOTICE

This is to notify you that in the above referenced case the Court's action on **07/22/2005**:

RE: Notice of removal to the US District Court by HSBC Mortgage Services Inc., Filed in Court.

is as follows:

MOTION (P#3) ALLOWED after hearing. (Bruce R. Henry, Justice) Notices mailed July 26, 2005

Dated at Worcester, Massachusetts this 26th day of July, 2005.

Francis A. Ford,
Clerk of the Courts

BY:

Alexander Rodriguez, III
Assistant Clerk

Telephone: 508-770-1899, Ext. 126 or Ext. 105 (Session Clerk)

Copies mailed 07/26/2005



WOCV2005-01363
Driscoll v HSBC Mortgage Services Inc et al

File Date	07/21/2005	Status	Disposed: transfered to other court (dtrans)	
Status Date	07/26/2005	Session	C - Civil C (16 Worcester)	
Origin	1	Case Type	D99 - Misc equitable remedy	
Lead Case		Track	F	

Service	10/19/2005	Answer	12/18/2005	Rule12/19/20	12/18/2005
Rule 15	12/18/2005	Discovery	05/17/2006	Rule 56	06/16/2006
Final PTC	07/16/2006	Disposition	09/14/2006	Jury Trial	Unknown

Plaintiff
Gregory M Driscoll
87 Flagg Street
Worcester, MA 01602
Active 07/21/2005 Notify

Defendant
HSBC Mortgage Services Inc
Service pending 07/21/2005

Defendant
Household Mortgage Services Inc
Service pending 07/21/2005

Defendant
Mortgage Electronics Services
Service pending 07/21/2005

Private Counsel 547838
John A Doonan
Doonan Graves & Longoria LLC
100 Cummings Center
Suite 213C
Beverly, MA 01915
Phone: 978-741-2680
Fax: 978-744-8780
Active 07/22/2005 Notify

WOCV2005-01363
Driscoll v HSBC Mortgage Services Inc et al

Defendant Doonan Graves Longoria LLC Service pending 07/21/2005	
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Date	Paper	Text
07/21/2005	1.0	Complaint & civil action cover sheet filed
07/21/2005		Origin 1, Type D99, Track F.
07/21/2005	2.0	ORDER Short Order of Notice to issue returnable on Friday July 22 2005 at 11:00am in Courtroom #16 (Bruce R. Henry, Justice) (defendants notified by fax and phone)
07/22/2005	3.0	Notice of removal to the US District Court by HSBC Mortgage Services Inc., Filed in Court.
07/22/2005		MOTION (P#1) No Action - See deft's notice of removal to US Dist. Court. (Bruce R. Henry, Justice). Notices mailed July 26, 2005
07/22/2005		MOTION (P#3) ALLOWED after hearing. (Bruce R. Henry, Justice) Notices mailed July 26, 2005
07/26/2005		Case REMOVED this date to US District Court of Massachusetts

Date	Session	Event	Result
07/22/2005	Civil C (16 Worcester)	Motion/Hearing: prel inj Rm. 203	Event held as scheduled

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

05-40126

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Gregory M. Driscoll

(b) County of Residence of First Listed Plaintiff Worcester

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Pro Se Gregory M. Driscoll, 87 Flagg Street, Worcester, MA 01602

DEFENDANTS

HSBC Mortgage Services, "HSBC"; Household Mortgage Services Inc. (Household); Mortgage Electronic Services (MERS); and

County of Residence of First Listed Defendant Florida (Hillsborough)

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

Reneau J. Longoria Esq. John A. Doonan, Esq., Doonan, Graves & Longoria, 100 Cummings Center, Suite 213C, Beverly, MA 01915

II. BASIS OF JURISDICTION

(Place an "X" in One Box Only)

☐ 1 U.S. Government Plaintiff☒ 3 Federal Question (U.S. Government Not a Party)☐ 2 U.S. Government Defendant☒ 4 Diversity (Indicate Citizenship of Parties in Item III)**III. CITIZENSHIP OF PRINCIPAL PARTIES**

(Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT

(Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input checked="" type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. 1446 (Removal from State Court)

Brief description of cause:

Plaintiff claims the Defendants violated the Federal Fair Debt Collect Act -action originally brought in Wor. Cty.

VII. REQUESTED IN COMPLAINT:☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE F. Dennis Saylor IV

DOCKET NUMBER 05-1363C

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

05-40126

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS1. Title of case (name of first party on each side only) Gregory M. Driscoll v. HSBC et. al.

2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).



I. 160, 410, 470, 535, R.23, REGARDLESS OF NATURE OF SUIT.



II. 195, 196, 368, 400, 440, 441-446, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950. *Also complete AO 120 or AO 121 for patent, trademark or copyright cases



III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.



IV. 220, 422, 423, 430, 460, 480, 490, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.



V. 150, 152, 153.

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

Driscoll v. HSBC 05-1363C

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES ☒NO ☐

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES ☐NO ☒

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES ☐NO ☒

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES ☐NO ☐7. Do all of the parties in this action, excluding governmental agencies of the united states and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).YES ☐NO ☒A. If yes, in which division do all of the non-governmental parties reside?Eastern Division ☐Central Division ☐Western Division ☐

B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division ☐Central Division ☐Western Division ☒

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES ☐NO ☒

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Beneau J. Longana, Dorian, Grimes & Longanalle
ADDRESS 100 Cummings Center, Suite 213C, Beverly, MA
TELEPHONE NO. 978-921-2470 81915